

First Member of Council.—

His work is not confined to vaccination alone. He has to attend to sanitation also. We want that he must be relieved of other duties which have nothing to do with sanitation and public health.

Mr. K. T. Bhashyam Aiyangar.—

If the Health Officers are to be relieved of some of their present duties, their work will be lessened and it will be possible to have Health Officers on less pay.

First Member of Council.—

That is a different matter.

GENERAL RESOLUTIONS.*Resolution No. 1.*

MR. V. VENKATAPPA moved the following resolution:—

“This Assembly recommends to the Government of His Highness the Maharaja that they may be pleased to bring forward immediately legislation for the abolition of untouchability in the State.”

In doing so, he observed that the subject matter of the resolution was so well-known that it did not require to be discussed at great length. It had become the burning question of the day in all parts of India, thanks to the fillip given to it by Mahatma Gandhi. His historic fast had opened the eyes of all and had brought the question of the abolition of untouchability to the forefront. If the country was to progress at all, there should not be a stigma like untouchability which had divided the Hindu community. To achieve that object, the position of the depressed classes, whom the resolution concerned most, should be improved socially, educationally, and otherwise. Attempts in that regard were being made in all parts of India. And Mysore also had done and was doing all that was possible to improve their lot. But, despite these efforts, the abolition of untouchability had not made rapid strides. Untouchability was a poison eating into the very vitals of the Hindu society and it must be rooted out. It might be said that propaganda and compromise might as well achieve the object. But, in his opinion, they by themselves were not sufficient. Side by side with them, legislation was necessary. The depressed classes, merely because of the accident of their birth, ought not to be

treated any more as untouchables. To allow their present state of affairs to continue for a moment longer would do no credit to any civilised country. It was high time therefore that their disabilities were removed. When other States, not so advanced as Mysore, had taken up the question, it was but fitting that Mysore also should take up the same and not lag behind. It would be still better if Mysore went ahead of them. Swami Vivekananda who was once an honoured guest of His Highness the late Chamarajendra Wadiyar, on the eve of a lecturing tour in America, wrote from America a number of letters to the late Highness, in the very first of which he referred to this question of untouchability and said that unless it was abolished in the State there was no hope for the betterment of the Hindu society which had already been split into a number of groups. Since then the Rulers of Mysore had shown great personal interest in the matter of the removal of untouchability. Government had provided special facilities for the uplift of the depressed classes. All public schools were thrown open to them. No distinction was sought to be made between the boys and girls of the depressed classes and those of other Hindu communities. No doubt there were loud protestations at first from the other Hindu communities to the effect that the Hindu society was being revolutionised. But, no notice was taken of those out-bursts and they died a natural death. In the same way, there might be protestations now also at the attempt to abolish untouchability. He was quite sure that even they would soon die out. At the same time it would be well to remember that the path of the reformer was beset with legal difficulties, and it was necessary to smoothen his way by means of legislation. It was with this view that a Bill for the abolition of untouchability had been sent up to the Government for introduction in the Legislative Council. But the sponsors of the Bill were surprised to find that sanction was not accorded by Government for its introduction at the ensuing session of the Legislative Council. The reason assigned was that since it was not possible to go through all the stages necessary for the passage of the Bill at that session of the Council—that being the very last session of the present Council—there was no object in placing the Bill before it. For the same reason, Government had also not placed the general principles of the Bill before the House. Now that the life of the Assembly had been extended by nearly one year, the life of the Legislative Council also would

have to be extended correspondingly and, as the Council would be sitting not less than twice before the expiry of the extended period, all the stages could be gone through by the existing Council itself. On this ground the Government were again approached to place the general principles of the Bill before the Assembly, so that the Legislative Council might take up the matter at its next session. Even that request was not complied with and no adequate reasons were furnished by Government. The Government could have taken the opinion of the Assembly on the general principles of the Bill irrespective of whether the Bill could pass through all the stages in the Legislative Council. But they did not do that. The sponsors of the Bill were led to think that refusal by the Government to place the general principles before the Assembly was unjustified. The late Rajamantrapravina C. S. Balasundaram Iyer had said on a previous occasion in connection with the Mysore Irrigation Bill in the Legislative Council in June 1930 as follows :—

“Government have therefore considered that the opinion of the Assembly having been once recorded, that should be taken as its opinion and the further stages of the Bill gone through. I may also say that the Assembly, or the Council for the matter of that, has a continuous life whatever may be the change in its personnel from time to time. The Body lives all the time, and we need not assume any abrupt cessation of its activities owing to time limit.”

Under such circumstances, the refusal by the Government to the introduction of the Bill could only be interpreted as indicating their own inclination with regard to the Bill. But the bulk of public opinion in the State was decidedly in favour of the Bill. The Mysore People's Conference, the Mysore All-Parties Conference, the Mysore Lawyers' Conference and a host of other public organisations and conferences had given their whole-hearted support to the Bill and there did not also appear to be any large-scale opposition from the orthodox Hindus of the State.

Coming to the question of untouchability in general, he said that from other standpoints also there was every necessity for eradicating the evil. The depressed classes, for example, were not being permitted to draw water from public wells, or use public tanks to which dogs, cats and pigs had access. Nothing was more unjust or iniquitous. Owing to the very severe social disabilities imposed upon them, the depressed classes were gradually being converted to other faiths, and unless they were kept within the fold and made to feel that they were one with the other Hindu com-

munities in all matters, he feared that a time would soon come when they would either openly revolt or be completely proselytized and the Hindu society would suffer much for its callous disregard to their legitimate aspirations. He requested that no room should be given for such a state of affairs. He pointed out that there were occasions when it pleased the Government to get through Bills in all their stages at one and the same sitting of the Council, and he did not understand why similar action should not be taken in the case of this Bill also. It was as important as any other matter. He therefore requested the Government to introduce a Bill to the effect that no penalty, disadvantage or disability should be imposed upon any subject of the State on the ground that such a person belonged to an untouchable class or caste among Hindus.

MR. R. GOPALASWAMI IYER, in seconding the resolution, referred the House to His Highness the Maharaja's Address to the reconstituted Assembly on 12th March 1924, in the course of which His Highness had graciously referred to the lot of the depressed classes and observed as follows:—

"The third point which I would emphasize is that you must keep in close touch with the Government and the people and interpret the one to the other. In this way may we hope that the long silence of the depressed and the humble will be broken and full responsibility for their well-being shouldered by the educated and well-to-do classes?"

Again, a committee known as the Depressed Classes' and Aboriginal Tribes' Committee, appointed by the Bombay Government, had observed as follows:—

"We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the depressed classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of boycott. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee to the depressed classes the freedom of speech and action necessary for their uplift. If propaganda and compromise fail, legislation provides the only remedy."

Continuing, he said that there should be no difference of opinion in regard to the resolution. The depressed classes were not the same as before. Thanks to the special facilities provided for them by the Government, they had begun to feel that they should no longer be classed as untouchables. They were now suffering under very many social disabilities. For instance, if a cow died, the caste Hindu who all along

cared for it and protected it, would never remove it, but a member from the depressed classes alone had to come to his rescue. And if he failed to do so, he was boycotted and was given punishment. At times he would be asked to surrender his lands for refusal to remove the dead cow. If on the other hand he rendered the service, the reward for it was that he was for that very reason prohibited from entering the Hindu temples. Again, although all public schools had been thrown open for the depressed classes, except in a few stray cases, the children of the depressed classes were not allowed to join them.

In conclusion, he said that in addition to propaganda and compromise, legislation was also necessary as that alone provided an effective remedy. He pointed out that the problem required to be dealt with boldly, and appealed to the House to accept the resolution.

MR. M. S. LINGE GOWDA, in supporting the resolution, observed that as a matter of fact there was no untouchability at all in the State. The Government had ordered that all public schools should be thrown open to pupils of depressed classes also, and had practically abolished untouchability in the bigger towns. In the villages, the depressed classes were all along eating with the other villagers at the time of harvest particularly, and there was no untouchability as such on any large scale. Much was not being made of untouchability in the cities. Of course, here and there, the depressed classes laboured under difficulties. The response to appeals for reform was quite satisfactory. Thanks to the fillip given to the movement by the historic fast of Mahatma Gandhi, it had made such wonderful strides that, what the reformers of the days of yore could not achieve in hundreds of years, was achieved now within a very short time. But there were certain difficulties in the path of the reformers which could not be obviated except by legislation. Hence the request for legislation. Government might hesitate to introduce social legislation. But there need be no such hesitation on this question. If they took action to legislate, all difficulties would vanish. Government had introduced social legislations in the past and subsequently found that they had done well. But for them so many evils would have continued to exist. The abolition of *sati* was a concrete instance of how insurmountable difficulties could be got over by legislation where every other means failed. Similarly, in regard to the abolition of untouchability, there might be a big clamour against it in the beginning. But in course of time

that was bound to die. As custom had hardened the minds and hearts of the generality of people and long usage had the force of law, introduction of legislation was absolutely necessary to root out untouchability and the times augured well for such a step.

In further supporting the resolution, MR N. V. NARAYANA MURTHI explained that the depressed classes formed one-fifth of the population of the entire State and that if they were allowed to continue in their backward condition, the progress of the country was bound to be retarded. It was therefore the obligatory duty of the State to uplift them and for this, legislation was necessary. They were denied admission to all muzrai institutions; and in the absence of legislation to the contrary, they would have to remain without this privilege for all time to come. If they themselves took the initiative and pressed their claims, the higher castes might invoke the aid of the law courts which favoured the existing *manmool*. Though no such case had as yet gone up to the courts, if any did go, surely the Mysore Courts would follow the decisions of the British Indian High Courts, thus perpetuating all the disabilities of untouchability. Section 11 of the Mysore High Court Regulation and Section 17 of the Mysore Civil Courts Regulation laid down clearly that in social matters, custom and usage would be recognised. This principle was recognised also by the Privy Council. Unless legislation discountenancing the existing custom in respect of untouchability was passed, the disabilities imposed on this class of people could not be removed. For these reasons, he prayed that necessary legislation be passed in the matter.

MR. T. MARIAPPA, in opposing the resolution, pointed out that neither the mover nor the supporters had given reasons to show that the time was ripe for legislating in the matter. His own opinion was that it was not called for. In the Assembly itself there were Adikarnataka members and the members of higher castes were mixing with them freely. In big cities this problem was not present though it might exist in towns and villages. Even if legislation removing untouchability was passed, it would not disappear all on a sudden and the object of the legislators would not be gained. He thought that the question of legislating in social matters was beset with difficulties, and cited the instance of taking processions in public streets. When it was proposed to withdraw the restrictions obtaining in this behalf, at the last session of the Assembly, the reply of

Government was to the effect that *mamools* should govern the matter and that instead of the Government taking the initiative, public opinion must express itself in favour of changing the *mamool*. Similarly, with regard to the question under discussion, Government had to consider the various aspects of the problem. The masses besides being illiterate, were also superstitious in their beliefs. Any attempt to remove untouchability by force might tend to create factions in the villages and even lead to rioting. But better results could be achieved by means of propaganda work. For instance, Mr. S. C. Malliah was kind enough to throw open a well in his village for the use of the depressed classes along with others, and his example was being followed gradually in other villages as well. With the spread of enlightenment, the speaker had no doubt that other villages would follow suit. If, on the other hand, the Government were required to pass legislation to rectify every social defect, there would be no end at all. The moment such legislation was passed, Government would have to provide a special staff to enforce it, as otherwise that law would become a dead letter; this meant additional expenditure and the present time was the least suited for it. It was a matter of common knowledge how ineffective the Sarda Act had been in raising the marriageable age of girls. He was sure that the villagers did not want a law of the type now recommended by a few members of the Assembly. There was no use of forcing people to accept a change in social matters all at once. In this connection, the speaker reminded the House that political leaders in British Indian provinces were at first united in their demand for *Swaraj*, but the moment the anti-untouchability movement was initiated, serious differences broke out among them and the unity of political parties was broken up. As Indians were conservative by nature, it was impossible to wipe off long-standing customs by one stroke of the pen. If, on the other hand, the Assembly members would do some propaganda work in this cause during their election campaigns, there was a possibility of promoting the cause of anti-untouchability.

In conclusion, he said that his own personal feeling was that if Government would give more money for the depressed classes' education, untouchability would automatically disappear in course of time.

MR. P. MURUGESAM PILLAY earnestly appealed to the House to support the resolution. As a member of the depressed classes, he represented that his community

ffered great hardships owing to the stigma of untouchability attached to it. He thought that it was, indeed, a stigma on the good name of Hinduism itself. He explained that the proposal before the House was not for passing any Bill into law but only to resolve that the curse of untouchability must vanish. If that spirit pervaded throughout the country, he had no doubt that Hinduism as a religion would gain added strength. Though in his individual capacity, he was being treated very well by the Assembly members, it was not the same thing as showing practical sympathy to the depressed classes as a whole. They were all suffering under serious disabilities. He was convinced that if all the people would agree to the removal of the existing stigma, there would be no need for legislation. But it was difficult to secure such a unanimity, and hence the necessity for legislation.

He also pointed out that Mahatma Gandhi, the greatest Indian now living, along with some other best brains of the country, had devoted his life to the solution of this question, and he appealed to the members to show proper respect to that great man by passing the resolution unanimously.

MR. KULUME CHIKKANNA, in further supporting the resolution, represented the humiliations to which his community had been subjected for generations past. As an instance in point, he said that though the depressed classes were recognised as belonging to the Hindu fold and though one common God was worshipped by all of them, the depressed classes were not allowed to enter the Hindu temples. He emphasized the fact that by bettering their lot, the Hindus as a nation would benefit; and by discarding them, they alone would be losers. If only the higher castes would make up their minds to give the depressed classes access to all public institutions, such as tanks and schools, he had no doubt that the depressed classes would give up all their unclean habits and turn over a new leaf. He therefore appealed to the House to pass the resolution.

While agreeing that the curse of untouchability should go, MR. B. S. PUTTASWAMY was opposed to the resolution. As a born Veerasaiva and a disciple of Sri Basavesvara, he wanted the blot on the fair name of Hinduism to disappear. But he was not in sympathy with the move to bring about a legislation for the purpose. On principle, he was opposed to the idea of social legislation since it would be futile as in the cases of attempts made at raising the marriageable age of girls and of controlling prostitution. In his opinion, the

people who were making platform speeches on the subject did not proceed beyond showing lip sympathy as they had not the courage of their convictions. Practical demonstrations of such sympathy were visible only after Mahatma Gandhi resorted to his most recent historic fast for the uplift of the Harijans. Instead of passing a futile legislation he would suggest to those really interested in the movement to set examples in action. The speaker endorsed the opinion of Mr. Murugesam Pillay that if only the higher castes would make up their minds to wipe out untouchability, the need for legislation would disappear. Rightly or wrongly, certain sections of the people had conscientious objections to the proposed reform and it would not be right to compel them to accept it against their honest beliefs. Even granting that as a result of passing the legislation, the depressed classes would secure the right to enter the temples—because there was no objection to it according to the spirit of the Hindu philosophy—Hinduism as practised to-day being, in some respects, sentimental, any legislation interfering with that sentiment was sure to give rise to fresh troubles. For instance, there was the fact that certain muzrai institutions had been richly endowed and were receiving grants in-aid subject to certain rites being observed rigorously, and forcible entry into such institutions might result in unforeseen troubles.

In this connection, he pointed out that social distinctions were not a peculiar feature of Hinduism but were to be found among Christians and Muslims also. No Government could force all these communities to change their long-established customs in a day. It is the society which should bring in the reforms by self-enlightenment and enlarged outlook. And he was hopeful that such a time was bound to come soon. When the attempt was first made to admit depressed class pupils into Government schools, a hue and cry was raised against it. If that reform had been stretched to extreme lengths, there would have been a lot of trouble. Because it was left to its normal course, things automatically adjusted themselves in a short time.

MR. P. SUBBARAMA CHETTY, who was in favour of the resolution, pointed out that there was no difference of opinion as to the desirability of removing untouchability. The view taken by the oppositionists was that legislation was unnecessary to gain the object in view. He wanted to assure them that what was thought of by the mover of the resolution was only a permissive legislation and not one of a compulsory nature.

THE DEWAN enquired how it was possible to enforce any legislation which imposed no penalties for infringement of its provisions.

MR. P. SUBBARAMA CHETTY explained that what he meant was that in case there were a hundred devotees of a temple and a majority of them were in favour of admitting the depressed classes into that temple, the objection raised by the minority should be rejected by law courts. What was now being done was that if there was one single dissentient voice, the law courts did not permit of change of *mamool*, however slight the change or however iniquitous the *mamool*.

He assured the House that questions like inter-dining and inter-marriages did not at all arise out of the resolution and there need be no apprehensions on those grounds. The resolution did not even specify on what lines the legislation should be framed. Propaganda work was being carried on both in the press and on the platform, in towns and villages, and the tendency of the people was in favour of the reform. At such a time, he said it was surprising that Government should hesitate to accept the resolution.

MR. H. K. MADAIYA strongly opposed the resolution on the ground that legislation would be ineffective in solving the question. Even among the depressed classes there were two sects known as *Balagai* and *Yedagai* and these would never agree to unite. They had separate wells and separate temples. One would not enter the other's street. Inter-dining was out of the question as between them. Such being the case, it was not an easy task to make the caste Hindus accept both these sects into their fold, though the situation was not without hope. Both the Brahmins and non-Brahmins were striving to elevate that community and their efforts were slowly bearing fruit. To ensure better progress in this direction, it would be up to the Government to improve the amenities created for them. He was of the opinion that if social reform should be of a substantive nature, it should be built up on sure foundations. For these reasons, he felt that there was no need for legislation. In fact, all those engaged in agriculture, Vokkaligars as well as members of the depressed classes, were rubbing shoulders together and even eating together while on the field, and especially at the time of the harvest. Such being the case, no precipitate action seemed called for on anybody's part. If despite this position, legislation was introduced, the only effect would be for Government to incur additional expenditure on police establishments and courts of law, and this at a time when

the most useful departments of Government were being starved.

MR. S. RAMAPPA, in also opposing the resolution, doubted whether legislation would eradicate untouchability from the land. From the progress actually achieved during the past few months, he thought that the rigour of untouchability had already gone. With propaganda on the one hand and education on the other, the evil was sure to disappear in course of time. He considered it unsafe to effect sudden changes in the rural parts as the people were not properly educated. He said that even those who opposed the resolution did not want to perpetuate the segregation of that community and they were convinced that their elevation would be in the interest of the progress of the country as a whole. But what they desired was that the object should be achieved without invoking the aid of legislation.

DHARMAPRAVARTHA M. L. NAGAPPA SETTY was of the opinion that the objections raised by the members against the idea of legislation were incontrovertible under the existing state of education in the villages. Besides, as it was a religious question, it would not be right to arrive at a decision on it without consulting the various religious heads. On this ground, he said he was unable to support the resolution.

MR. H. C. DASAPPA was surprised at the opposition to a good cause like the removal of untouchability. When he thought over the supreme sacrifices made by Mahatma Gandhi in the cause of the untouchables, he considered it a misfortune of Mother India that some Sanatanists should have placed obstacles in his way. He pointed out that there were certain vested interests which stood to gain by creating and keeping up the splits between party and party. And if in Mysore, which was free from such vested interests, there was so much of difference of opinion on a question like this, he thought it could be attributed only to the misfortune of Mysore.

He next asked the oppositionists to specify in how many years they hoped to eradicate the evil of untouchability in the State without the aid of legislation. In spite of strenuous efforts made for the past half a century by social reform leagues and anti-untouchability conferences, the progress achieved was very little. The proselytizing campaigns had not ceased. In a single taluk like Mandya, 80 Adikarnataka families were reported to have been converted to another religion and there were statistics to show that in

the Ponnani Taluk in Malabar, 19,000 Adidravidas had been converted similarly. This was entirely due to the higher castes who had been denying them the rights of ordinary human existence. If this drain from the Hindu fold should cease, if the depressed classes were to be enabled to help national solidarity and to carry on their battle of national life, it was necessary to extend to the depressed classes all the amenities of life ungrudgingly.

MR. DASAPPA next referred to the feeling in the State during Sir M. Kantaraj Urs' Dewanship when public schools were for the first time thrown open to the depressed classes and an example set to the whole of India for the first time. Though there was bitter opposition then from several quarters, the measure was enforced and all opposition soon died out. If similar action was not taken in this matter, he apprehended that untouchability would continue to exist for centuries more.

The speaker then drew pointed attention to the fact that both on social and political grounds, it was necessary to elevate the depressed classes as otherwise, the very solidarity of Hinduism would be weakened.

Even if the object in view was not achieved, he was of opinion that as only a permissive legislation was contemplated, there would be no harm in Government proceeding to take action as prayed for in the resolution. In these circumstances, he appealed to the House to pass the resolution whole-heartedly.

MR. BELUR SRINIVASIENGAR who also supported the resolution, said that the Mysore Government which had shown its practical sympathy for the depressed classes in many directions in the past should not hesitate to remove the stigma of untouchability. He added that it was quite feasible to enact a legislation without interfering with the existing rights and privileges of other communities. The proposed legislation was conceived in the best interests of the State and it was as necessary as the laws in vogue for preventing *sati*, child marriages and juvenile smoking. The criterion to decide the utility or otherwise of legislation was whether it would make for more good or harm and whether it would benefit the majority or not. Judged by this standard, legislation under reference was certainly desirable and necessary. There was no law at present to give the depressed classes their legitimate rights. Any single individual could come in the way of their enjoyment of those rights. British Indian courts and even the Privy

Council had given decisions upholding the *mamools*, and there was the danger of the Mysore courts also giving similar decisions and thus preventing the depressed classes from making any progress. This certainly was not the intention of any responsible person and so there could be no justifiable opposition to the resolution before the House.

The speaker next mentioned that the Mysore Anti-untouchability League had expressed a desire that the proposed Bill should be on the lines of Mr. C. S. Ranga Iyer's Untouchability Abolition Bill, which had been backed up by eminent lawyers like Sir Tej Bahadur Sapru, Mr. Jayakar and Pandit Malaviya. It was necessary to remember that after all, the resolution was recommendatory, and the legislation permissive.

Here the member read out the main clauses of the draft Bill, and said that if such a legislation was enacted, the depressed classes would cease to be regarded either as untouchables or unapproachables. That would stimulate further public interest in the problem of elevating them morally and materially. There would then be a change in the mentality of people and the Hindu community, as a whole, would become united and able to help the country in the solution of the larger problems of the day.

In conclusion, he pointed out that there need be no apprehension in any quarter that the proposed legislation would be detrimental to the interests of any other community, inasmuch as there was every opportunity for amending unsuitable provisions, if any, during its passage in the Legislative Council.

MR. A. NARAYANA IYENGAR was opposed to the resolution on principle. He did not believe that the depressed classes really suffered from many disabilities. Representatives of those communities had found places on the Legislative Council, the Representative Assembly, District Boards and Village Panchayets. Even in the villages whenever there was an arbitration, a member of these communities was also taken into it. In recent years, Government were giving them lands at upset price and other special facilities in very many directions. All qualified candidates of the community were being provided with appointments in Government departments.

It seemed to him that the mover and the supporters of the resolution, who were mostly residents of the two cities, might have turned out to be social reformers, whose main aim was to secure the right to temple entry for the depressed

lasses. But before they could aim at that, he was inclined to advise them to wean the communities from their unclean habits such as drink and the eating of carcasses. The restriction about taking water did not apply to rivers and big tanks, but was confined to small wells. This did not strike the speaker as a grave offence on the part of the other castes, seeing that the depressed classes, even as between themselves, had two classifications with a wide gulf between. If the proposed legislation was forced on the people, he was afraid that it would produce undesirable effects and create a clash of interests, and it would not make for any benefit to the very class of people whom it was intended to benefit. For these reasons, he said that he would discourage any attempt at wiping out the long-standing custom by one stroke of the pen.

At this stage, the DEWAN announced that as requested by the members, the Session of the Assembly would be extended by one day.

The Assembly then rose for lunch and met again at 3-30 p.m.

MR. HANUMANTHA RAJU advocated the introduction of legislation immediately for the removal of untouchability as prayed for in the resolution. He said that ever since social reformers like Swami Vivekananda, Swami Abhedananda and Mahatma Gandhi visited the State, the Government had spent crores of rupees for the uplift of the depressed classes. Attempts at wiping out the curse of untouchability had been going on for ages. One of the members of the House said that Saint Basavesvara had done a lot in that direction. The speaker would add that not only this saint, but other religious *gurus*, such as Sankara, Ramanuja and Madhwa had done a great deal in that direction in the past. Ramanuja, the greatest social reformer, admitted many members of the depressed classes into his fold and they became Alvars. In almost every village and town, propaganda work had been done in a large measure. Recently in September last, His Holiness Sri Murugharajendra Swami of Chitaldrug admitted a number of depressed classes into his Mutt. Mahatma Gandhi had successfully completed his most recent historic fast of 21 days only for this purpose. In spite of all these, the curse had not yet disappeared from the land. That showed that something more tangible was called for, and that was legislation. For instance, there were only 8 Adikarnataka graduates, of whom, 5 were in the

unemployed list. This was due to the stigma attaching to them though they were certainly not responsible for it. The time had come for the complete removal of the evil and legislation for the purpose was absolutely necessary. If the evil was not eradicated now, the benefit of all the work done and the money so far spent on that account would be lost.

MR. PUTTASWAMY GOWDA opposed the resolution on the ground that the introduction of a legislation of the kind referred to would result in a great amount of fear and hardship to the illiterate people, especially in the villages. At a time when the evil was dying out of its own accord as a result of mass awakening and enlightenment, it was not wise to introduce any legislation and thereby create unnecessary fear and jealousy in the minds of the people. The object underlying the resolution was no doubt praiseworthy, but mere lip sympathy would be of very little use in achieving the object. On the other hand, those who were so loud in their advocacy of the immediate introduction of legislation for the purpose would do well, when they went back to their homes, to allow the members of the depressed classes to build houses in the midst of those of other forward classes and thus translate their sympathy into action. That would be a right step in the direction of uplifting those people. Even in an enlightened city like Mysore, there were two segregated colonies for the depressed classes. Why should there be separate extensions for them? The Mysore City should first set an example in the direction of allowing the depressed classes to live in the midst of others so that other towns and villages might follow the same course. If instead of that, legislation was introduced all at once, there was sure to be a set-back to peaceful life in the villages.

A lot had already been done in the past in the direction of removing the evil. Originally, they were being called Holeyas and Madigas. That name was changed and they were styled as Panchamas and then as depressed classes. Only a few years back, they were called Adikarnatakas and now they were known as Harijans. All this showed that the status of these people was fast improving. Of course, social reform could not be attained in one day even as it was not possible for a seed to grow into a big tree all at once.

The supporters of the resolution had referred to Basavesvara Purana. He would ask them where it was missing all these centuries. The truth was that things like that assumed importance only after modern reformers like Mahatma Gandhi had come to the forefront. His only reply

to the enthusiasts was that age-long evils would perforce take their own time to vanish. Side by side with outside effort, some improvement among the concerned people themselves was necessary. And for that, effective propaganda should be undertaken in the direction of advising them to keep clean, to abstain from eating carcases and from drink and to induce them to make themselves fit to live in the midst of caste-Hindus. With the growing awakening and spread of education, the evil of untouchability was bound to disappear in course of time. That was a better and surer method of eradicating the evil than passing legislation for the purpose.

MR. JATHARE NAIK who spoke next feared that legislation would not achieve the desired end. He said that year after year, a number of criminal tribes were being brought under the category of depressed classes and that such a procedure ought not to be adopted. The depressed classes should be given hostels for their boys and their darkhast applications should be quickly and sympathetically disposed of. Members of the Assembly should try to do what they could in their own respective villages to translate their sympathy for the depressed classes into action. If that was done, the community was sure to progress.

CAPT. Y. V. AYYA was of the opinion that creating a better understanding between the depressed classes and other communities would have much better effect than legislation. In this view, he thought that there was no need for any special legislation as prayed for in the resolution.

MR. K. CHENGALARAYA REDDY said that while all members of the Assembly were unanimously agreed that untouchability should be abolished, still, on the question of the necessity for passing legislation for the purpose, there seemed to be some difference of opinion. He would not subscribe to the view that at no time should social legislation be resorted to. There were certain occasions when such a step had to be taken and in fact had been so taken by the Assembly itself. Supposing there was an instance where the trustees of a temple were willing to admit untouchables into the temple and a vast majority of the devotees supported the reform; and supposing a few devotees were up against it and sought the aid of the courts to establish their rights; in such cases, Section 11 of the Mysore High Court Regulation and Section 17 of the Mysore Civil Courts Regulation would be applied by the courts. These sections laid down that where it was necessary for the court to decide any question regarding caste or any religious usage or institution,

in the absence of any rule of Hindu Law, "any custom (if such there be) having the force of law and governing the parties or property concerned shall form the rule or decision unless such law or custom has, by legislative enactment, been altered or abolished." If this section was strictly applied, the entry of depressed classes into the temples would become impossible. In such cases, Government must give a mandatory direction to the courts. To that extent, social legislation was necessary. For these reasons, he thought that legislation was necessary and supported the resolution.

MR. J. MAHOMED IMAM said that though he belonged to a community which treated all alike and would not in any way be affected by the passing of the legislation, he would like to say that so far as the main question of the removal of untouchability was concerned, there was no difference of opinion, but the point to be considered was whether legislation was necessary for the purpose. There was a suspicion lurking in his mind that there was more of lip sympathy than of earnestness among the members. If they had any earnestness in the matter, they should have admitted the depressed classes into their houses, they should have admitted them to temples and allowed them the use of all drinking water wells. Every legislation must add to the peace and contentment of the people. There was no use passing a legislation following the example of big cities like Bombay or Madras. The conditions prevailing in the villages which would come under the jurisdiction of the legislation should be considered. It was needless to emphasize that people in the rural parts were illiterate, and a slight infringement of their acknowledged rights would upset them and there would be disturbances to the peace. He would ask the members of the Assembly first of all to show that they themselves were votaries to the reform and, to no longer hesitate to mix with members of the depressed classes and others at lunch during the sittings of the Assembly. If they could not do so much, it would certainly be too much to expect illiterate people in the rural parts to shake off their age-long prejudices and mix with the depressed class people freely all at once. The passing of legislation would surely result in disturbing the peace in the rural parts and might perhaps end in a general revolt. What was wanted was propaganda work with a view to inculcate habits of cleanliness, temperance, etc., among them. That required the services of a large number of sincere volunteers in every place. If organizations were set on foot for the purpose of educating the

masses, untouchability would die a natural death in the usual course. Until this was done, he thought that legislation would do more harm than good.

MR. N. G. SANJEEVIAH said that the resolution did not say on what lines the legislation should be drafted, that it did not suggest that there should be inter-dining or inter-marriage, but it had left the entire matter to the discretion of the Government. The object of the movers of the resolution was to do away with the stigma attaching to one particular community. Some of the members who opposed the resolution said that more propaganda work should be done in the villages. The House consisted of representatives from the rural parts throughout the State and what was discussed in the Assembly would be made known to the various constituencies by their respective representatives. That itself was propaganda work. Though the movement had started a year back, there had so far been no protests from the people in the villages. Nobody need fear that by passing the legislation, there would be a wide-spread revolt as was stated by Mr. Mahomed Imam. A few others seemed to fear that if the Adikarnatakas were uplifted, they would refuse to serve the other communities. They were all imaginary fears. If there was harmony among all the communities, there would be no room for disturbances.

The speaker was personally aware that during some of the *Jatras*, Panchamas were going into the temples stealthily. Why should they not have the right to enter the temples boldly? Was it not the duty of the members of the Assembly as legislators to see that such subterfuges were put an end to? If for no other reason, at least for the sake of preventing interested people from coming in the way of the improvement of the depressed classes, legislation was necessary. The members of the depressed classes were praying to their brethren of the forward classes to admit them into their fold and thus prevent them from the temptation to embrace other religions. Their representation deserved the whole-hearted support of the other communities. Members of the House knew that Mahatma Gandhi undertook his recent fast with a view to ameliorate the condition of the depressed classes. The Mahatma would only laugh at the conservatism of the members if they opposed this resolution. At least, out of respect for him, it was the duty of the House to pass the resolution which was a very harmless one.

MR. B. OOSMAN KHAN said that Government were showing all possible concessions and facilities to the depressed

ed classes by way of providing them with separate drinking water wells in the villages, and free boarding, lodging, clothing, books, etc., to their children. Only a few days back the Government had ordered that Thotis and Talaris should be exempted from the payment of stamp fees. Thus in all possible ways, the Government were helping the depressed classes. These were sure to have the effect of uplifting them in course of time. Nothing more was necessary and there was no need for legislation.

MR. T. SIDDALINGAIYA said that the object of the members who wanted to introduce legislation was to uplift the members of the depressed classes by improving their social condition. Just as members of the Assembly were fighting for their own rights, the depressed classes also would have fought for their case if they had been sufficiently represented in the House to make their voice felt. After all, the depressed classes were also human beings and it behoved every one of those who loved humanity to support the resolution under discussion.

MR. K. T. BHASHYAM AIYANGAR, who spoke next, said that the resolution was brought up with the object of removing the disabilities of the depressed classes in the exercise of their public rights. No one who felt that he was a subject of His Highness the Maharaja should be subjected to any such disability. The natural rights and liberties of the depressed classes such as, for example, the use of public schools, wells, roads, etc., had been denied to them in the past, and the injustice should not be perpetuated any longer. The object of the resolution was that Government should abolish untouchability only in so far as it interfered with the exercise of the public rights of these communities. If this restricted scope of the proposed legislation had been clearly indicated in the wording of the resolution, he thought that there would not have been any opposition to it. If the House had no objection, those words might now be inserted in the resolution. It was certainly not the intention of the resolution that the proposed legislation should interfere with the private rights and liberties of other communities.

The speaker said that this could not be treated as a social legislation as was stated by some of the previous speakers. It was legislation intended for the protection of public rights which were the common birthright of every citizen of the State and subject of His Highness the Maharaja. He hoped that in the light of this explanation, there would be no objection to passing it.

On behalf of the Government, the SECOND MEMBER OF COUNCIL said that the resolution had been discussed threadbare in all its aspects, and his work had therefore been very much lightened. He would only say a few words to place before the House the views of the Government on the resolution. The resolution consisted of two parts; first, that untouchability should be removed, and secondly that legislation should be passed immediately for doing so. So far as the first part was concerned, there seemed to be no difference of opinion among the members and Government were also in favour of it as would be evident from the fact that they had created a number of facilities to the depressed classes. The only question to be considered was whether any immediate legislation was necessary. The resolution merely suggested that Government should enact legislation. If detailed suggestions had been placed before the Government, they could have considered the proposal. A mere resolution that Government should enact legislation for the abolition of untouchability without detailed suggestions would not help Government in solving a problem which applied to the whole of the Hindu society. There were many practical difficulties in accepting a general proposal of the kind and the necessity for caution in the matter was very clear.

Continuing, the Second Member of Council observed that there was no law, Regulation or order which denied any public rights to the depressed classes. Mr. Bhashyam Aiyangar said that they were not allowed the use of public schools, wells and roads. In respect of those three items, there were no restrictions imposed by means of any Regulation or order. On the other hand, Government had recognised the right of the depressed classes for them and would enforce them at all costs. That had been the policy of Government and orders had been issued in pursuance thereof. But the reason why much headway was not made, was self-evident to everybody. The addition of certain words in the resolution suggested by Mr. Bhashyam Aiyangar would in no way help to solve the problem. Although the members had referred to the use of schools, roads and wells, they had carefully avoided the case of temple entry. It was not possible to visualise correctly the scope of the proposed legislation and if it was taken up, probably temple entry also might come within its ambit.

It had been stated by Mr. Bhashyam Aiyangar that this was not a social legislation. This was a view in which the Member could not agree. Anything and everything might,

come under its purview including temple entry. In that case, it would be both social and religious legislation. For this reason, Government would have to see what the effect of such legislation would be on the society as a whole.

Some of the members held the opinion that this was only a permissive legislation and that as such there should be no hesitation in supporting it. It could not be called a permissive legislation in the sense that the Civil Marriage Act or the Widow Marriage Act was a permissive legislation. It was certainly a positive piece of legislation because it aimed at destroying certain existing vested rights and sought to interfere with time-honoured customs. So, to call it a permissive legislation would be a mistake. The resolution wanted that "notwithstanding any custom, any interpretation of law, any regulation, etc.," certain things should be done. So, it was a positive legislation.

As regards enacting the legislation, many members had given views both for and against. Government had to consider those points carefully before coming to any decision. And if it was decided to pass legislation, the means of enforcing it also would have to be devised. No penalties had been indicated in the resolution. No legislation would be complete without penalties for infringement of the sections contained in it. This showed the need for a cautious handling of the question. If all people were agreed about the necessity for the legislation, then Government would have no hesitation in enacting it. But there had been some difference of opinion on that point. No doubt a reference had been made to some sections in the Civil Courts Regulation, and a fear expressed that if legislation as proposed was not passed, local courts would apply those sections and give decisions adverse to the depressed classes. There was no reason to justify such a fear. The courts had not so far given any such decisions. It would not be right to presume what decisions would be given by the local courts. All these points had to be considered before the Government decide one way or the other. There was no emergency to warrant immediate action on the part of the Government.

Recently, a deputation of leading public men in Bagalore waited on the Dewan and made representations on this very question, but the Government did not commit themselves to any definite line of action. Certain non-official members of the Legislative Council had given notice of a private Bill relating to this question and it would come up for discussion in course of time. And how the Bill would be disposed

of depended more upon the Council and the Assembly than upon the Government.

MR. P. SUBBARAMA CHETTY thanked the Member for assuring the House that a Bill would come up before the Legislative Council.

THE SECOND MEMBER OF COUNCIL observed that even if it was decided to place the Bill before the House, it would be difficult to foresee in what shape it would come up. However it would be well to await the progress of the matter. In this view, the Government could not commit themselves to any definite line of action immediately.

MR. V VENKATAPPA by way of reply said that there seemed to be some 'misconception in respect of the scope of the proposed legislation. This was due to the fact that Government had not placed before the Assembly the Bill that had been sent up in this behalf. If that had been done, there would not have been room for any misconception. In all such matters, if non-official members suggested details, Government would not accept them. If on the other hand, they left the details to be decided by the Government, Government would say the proposal was vague and would plead a number of excuses. All that the resolution asked was that legislation was necessary to eradicate untouchability, because great people in the past had failed to achieve the object in the absence of such legislation. Mahatma Gandhi, the *avatar* of the present day, had been struggling to eradicate the evil. All minds were united as to the necessity of such a step and all parts of the country were focussing attention on the question at the present day. This therefore was the most opportune time to give effect to the proposal.

Referring to the statements made by some of the previous speakers that the measure would not be welcomed in the villages, MR. VENKATAPPA said that he knew the conditions prevailing in the rural parts, as well as the hardships and ambitions of villagers better than many others and he was sure that they would welcome the legislation. As Mr. Bhashyam Aiyangar said, Government should safeguard the rights and privileges of the depressed classes. If others' rights were infringed upon, certainly legislation might be opposed. But there was no such idea. At present the depressed classes were being looked down upon and treated like cattle. What was aimed at was that they should also be treated like human beings and made to feel that they were better than before. There were many intelligent members in the House and they could certainly rectify

defects and remedy objections, if any, when the Bill came up for discussion later on. In the meantime, he appealed to the House to give its unanimous support to the resolution.

The resolution was put to vote and *passed*, 111 voting for and 59 against.

Resolution No. 9

MRS. D. SAKAMMA moved the following resolution standing against her name:—

“This Assembly recommends to the Government of His Highness the Maharaja that, as there is no representation of women on the Legislative Council, the Government may be pleased to nominate at least four ladies to the Legislative Council.”

In doing so, she said that to safeguard the interests of women and secure their wants, it was absolutely necessary that there should be some ladies on the Council. The Government had a good opportunity to consider the claim in view of the fact that elections to the constitutional bodies were soon due. With these remarks, she commended the resolution for the acceptance of the House. Incidentally she also requested that the number of lady members on the Representative Assembly which was very inadequate might be increased suitably.

MR. H. C. DASAPPA in seconding the resolution said that for various reasons, women should have representation on the Legislative Council. For instance, many of the enactments that came up for discussion before the Legislative Council applied to women as well as to men. But only general principles of such enactments would be placed before the Representative Assembly which had no power to discuss the details of such measures. Such a privilege was given only to the members of the Legislative Council. That meant that when those questions came up for detailed discussion, the view-point of women was altogether lost sight of. In other words, the decision would at best be one-sided. Recently the Hindu Law Reform Bill was passed by the Legislative Council. If there had been women representatives on that body, they could have effectively voiced their feelings in the matter and could have won certain rights which were denied to them now. No doubt a lady member was co-opted when the Bill was before the Select Committee, but she had no voting power. Her suggestions counted for nothing. That showed the necessity for special representation to women on the legislature. And it was quite possible

for Government to accede to this request even under the existing constitution. Just as some of the seats were reserved for being filled up by nominations to represent various interests such as labour, trade and commerce, planting, etc., four seats could be reserved for representation of women. Even for the Round Table Conference, women representatives were invited and the scheme of the future Government of India had recognised the rights of women.

THE DEWAN observed that women could stand as candidates and become elected members of the Council.

MR. H. C. DASAPPA in reply said that even then nominations were necessary unless and until adult franchise was granted. For whatever reasons Government had nominated two lady members to the Representative Assembly, they should also nominate lady members to the Legislative Council also.

MR. B. GOPALACHAR thought that at least one seat might be reserved for women on the Legislative Council.

MR. J. MAHOMED IMAM regretted very much that he could not support the resolution in the form in which it was placed before the House. While recognising the need for their representation on the Council, he thought that it would be impossible to give them four seats on the Council unless the number of members on the Council was increased. Otherwise, other interests would be deprived of their seats on the Council. He would however support the resolution if it was modified so as to ask for only one seat on the Council for the representation of women's interest.

MR. BELUR SRINIVASIENGAR gave his whole-hearted support to the resolution. He said that out of 50 members, 22 were elected and 28 were nominated. Of the 28, 20 were officials, 2 seats were guaranteed for Mahomedans, one for Indian Christians and one for the depressed classes and 4 more seats were available. The mover of the resolution had perhaps calculated these things and had asked that these four seats might be reserved for ladies. During the last six or seven sessions of the Assembly, both the lady members had contributed much to the discussions in the House and Government must therefore accept the resolution. If that was not possible, he requested them to reserve at least two seats for them.

MR. P. SUBBARAMA CHETTY said that of the seats reserved for nomination by Government, the one reserved for planting interest might be utilized for the representation of women's interest.

MR. H. K. MADAIYA said that women might be given one or two seats on the Council, but he was particular that care should be taken to select only such women as had an insight into rural life and possessed adequate experience and character.

MR. D. S. MALLAPPA in supporting the resolution said that almost every question that came up before the Council applied equally to men and women and as such it was necessary that there were at least a few ladies on the Council. He also thought that it would be possible to give 4 seats to them on that House. The Dewan Sahib was pleased to observe that the ladies might contest all the seats on the Council. But that was not possible because women had not the required property qualification. Hence the need for nominations.

Referring to the observation made by the Dewan that women could contest seats on the Council, MR. BHASHYAM AIYANGAR said that there were several difficulties for them to do so and that the Government were not unaware of them. A perusal of the voters' lists would show that there were hardly 30 or 40 women voters. That was so because they had neither the educational qualification nor the property qualification. If a lady stood for election, she would have to undergo many inconveniences which could not be expressed. That was why lady candidates were not standing for election. Ever since the reconstitution of the House three years back, the lady members had contributed much to the discussions on various questions. To give only one instance, Mrs. Sakamma's speech on the Breach of Contract Act gave a different turn altogether to the mode of disposal of the Bill. But for her remarks, the entire House would have voted it down. Women could put forward certain points of view more appealingly than men. It was therefore desirable that Government accepted the resolution and nominated a few lady members to the Council.

MR. G. GIRIMAJI RAO suggested that in the case of women the property and educational qualifications should be done away with in order to encourage them to get returned in the general elections. He also suggested that the wife of every voter should be made eligible to vote and also permitted to stand for election. By such an arrangement at least one lady member might be returned from each district. If necessary, men should withdraw their candidature in favour of women. He added that the resolution was a modest one as only four seats had been asked for as against 8

which he had in view. He appealed to the House to support the resolution unanimously.

MR. B. S. PUTTASWAMY pointed out that it might be possible to have four lady members on the Council if the Assembly returned this number at the next election according to the principle of proportional representation.

On behalf of Government, the FIRST MEMBER OF COUNCIL observed that he had no doubt whatsoever about the desirability of having a few lady members on the Council. Their advice and opinions would be of great value to Government as well as to the constitutional Houses themselves. But as Mr. Puttaswamy pointed out, it would be very desirable if the general electorate returned some lady members. Under the existing constitution, there was not much scope for reserving any seats in the Council for the representation of women's interests. Out of 30 seats available for non-officials, 2 seats were reserved for urban areas of Bangalore and Mysore; 8 for rural constituencies; 4 for special interests, *e.g.*, University, Planting, Labour, and Trade and Commerce; 8 for members returned by the Representative Assembly and 4 for Minorities, *e.g.*, Muslims, Christians and Depressed Classes. Of the remaining 4, one seat was given to the European planting interest and the other to the European mining interest. There remained only two more, and to those two seats, men of practical experience of administration were being nominated. So, no seats were available for any further nomination. However, as already stated, it was desirable to give representation to women's interest and Government would consider how best this could be done. The Government had the power to co-opt extra members to the Council for special purposes. For example, Dr. Metcalfe was co-opted as an additional member when the University Bill was discussed. In the same way when discussing legislative measures connected with women and children, Government could co-opt lady members. But he regretted that it was not possible to accept the resolution which asked for the reservation of not less than 4 seats exclusively for women.

The resolution was then put to vote at the request of the mover and was *passed*, 54 voting for and the rest remaining neutral.

At this stage, the Assembly rose for the day to meet again at 12 noon the next day.